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potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LIYOU XING,
*on their own behalf and on behalf of others similarly
situated, and*

Plaintiffs,
v.

Case No. 18-cv-06616

MAYFLOWER INTERNATIONAL HOTEL GROUP
INC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER BUSINESS GROUP, LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER INN CORPORATION

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER WENYU LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YAN ZHI HOTEL MANAGEMENT INC.

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER 1-1 LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YUEHUA HU,

WEI HONG HU a/k/a Weihong Hu, and

XIAOZHUANG GE

Defendants.

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29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

**AFFIDAVIT OF LIYOU XING
IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION**

I, LIYOU XING, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.

2. I have personal knowledge of the matters stated below.
3. From on or about September 05, 2016 to March 02, 2017, I worked as a Construction Worker employed by Defendants to work at the Mayflower Hotel at 61-27 186th Street, Fresh Meadows, NY 11365.
4. From on or about March 03, 2017 to August 15, 2018, I worked as a Chef employed by Defendants to work at the affiliated restaurant (Wyndam Garden) inside the Mayflower Hotel at 61-27 186th Street, Fresh Meadows, NY 11365.
5. From on or about March 03, 2017 to March 06, 2017 for four days, I was assigned by Manager “Ah Mei Chen” to “learn how to make breakfast” at 38-59 12th Street, Long Island City, NY 11101.
6. From on or about September 05, 2016 to March 02, 2017, my regular work schedule ran from 09:00 to 18:00 with one (1) hour meal break for eight (8) hours a day for a total of 40 hours each week.
7. From on or about March 03, 2017 to April 02, 2017, my regular work schedule ran from for an average of nine and a half (9.5) hours a day across early shifts from 06:00 to 15:00 (early shifts) for nine (9) hours a day and from 10:00-20:00 (middle shifts) for ten (10) hours a day for seven (7) days a week for a total of 66.5 hours each week.
8. From on or about June 01, 2017 to June 30, 2017, my regular work schedule ran from from 11:00 to 21:00 for ten (10) hours a day for six (6) days a week for a total of 66 hours each week.
9. From on or about July 01, 2017 to August 31, 2017, my regular work schedule ran from from 11:00 to 21:00 for ten (10) hours a day for seven (7) days a week for a total of 77 hours each week.

10. From on or about September 01, 2017 to August 15, 2018, my regular work schedule ran from from 11:00 to 23:00 for twelve (12) for six (6) days a week for a total of 72 hours each week.
11. At all relevant times, I did not have a fixed time for lunch or for dinner.
12. In fact, I had thirty (30) minutes to eat and even during the lunch time I was on call, meaning that if customer's order came, my break stopped and I had to cook.
13. From on or about September 05, 2016 to March 30, 2017, I was paid a flat compensation at a rate of twelve dollars (\$12.00) per hour.
14. From on or about March 31, 2017 to May 25, 2017 , I was paid a flat compensation at a rate of twenty-two dollars (\$22.00) per hour.
15. From on or about May 26, 2017 to June 22, 2017, I was paid a flat compensation at a rate of sixteen dollars (\$16.00) per hour.
16. From on or about June 23, 2017 to June 30, 2017, I was paid a flat compensation at a rate of thirty-five dollars (\$35.20) per hour for each hour worked.
17. However, I was not paid for all hours worked at all relevant times.
18. Specifically, from March 03, 2017 to March 16, 2017, I was only paid for fifty two (52) hours per week, though he worked in excess of fifty two (52) hours per week.
19. From March 17, 2017 to March 30, 2017, I was paid only forty nine (49) hours per week, though he worked in excess of forty nine (49) hours per week.
20. From March 31, 2017 to June 30, 2017, I was paid only forty (40) hours per week, though he worked in excess of forty (40) hours per week.
21. From on or about July 01, 2017 to July 31, 2017, I was paid a flat compensation at a rate of three thousand six hundred ninety-six dollars (\$3,696.00) per month.

22. From on or about August 01, 2017 to August 31, 2017, I was paid a flat compensation at a rate of four thousand forty-eight dollars (\$4,048.00) per month.
23. From on or about September 01, 2017 to September 30, 2017, I was paid a flat compensation at a rate of three thousand six hundred ninety-six dollars (\$3,696.00) per month.
24. From on or about October 01, 2017 to July 31, 2018, I was paid a flat compensation at a rate of three thousand eight hundred seventy-two dollars (\$3,872.00) per month.
25. From on or about August 01, 2018 to August 15, 2018, I was paid a flat compensation at a rate of three thousand two hundred seventy-six dollars (\$3,276.00) per month.
26. At all relevant times, I was not paid overtime pay for overtime work.
27. At all relevant times, I was never informed of his hourly pay rate or any tip deductions toward the minimum wage.
28. Throughout my employment, I was not given a statement with his weekly payment reflecting employee's name, employer's name, employer's address and telephone number, employee's rate or rates of pay, any deductions made from employee's wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in Chinese, my native language.
29. Throughout my employment, I was not compensated at least at one-and-one-half his promised hourly wage for all hours worked above forty (40) in each workweek.
30. Throughout my employment, I was not compensated for New York's "spread of hours" premium for shifts that lasted longer than ten (10) hours at his promised rate.
31. I know that it is Defendants' policy to not pay any employee at time and a half rate for all of their overtime hours. I know this because I have talked with other employees, who has the same or similar working schedule as me, and was told that they were also not paid for

the total amount of time they have worked, nor compensated for all of their overtime hours worked.

32. During my employment I befriended some of the co-workers who worked for Defendant suffered same practice and policy.

33. I know a co-worker who worked as lobby manager and shuttle driver at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named "Michele".

34. Michele is about twenty years old, a bit over weight and with dark brown hair. He is from Russia originally.

35. Michele started working for the Defendants from on and about March 5, 2017, terminated on or about September 20, 2018.

36. During his employment, Michele's working schedule ran from 8:00 to 20:00 with one-hour break from 12:00-13:00 for 5 days a week. Throughout his employment with the Defendants he worked around 55 hours a week.

37. I know Michele's schedule because we often talked about it we bumped into each other on my way to drop garbage.

38. Michele's rate was about 12-16 per hour, or about \$4000 every month.

39. I know about his rate because he told me it when he came to the kitchen to chat with me.

40. I know another employee who worked as shuttle driver at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. We referred him as "Zhan Qian" whom as known as "Divaid".

41. Zhan Qian is originally from Shenyang Province, China. He is about 1.73 meters height.

42. Zhan Qian worked for the Defendants from August, 2018, he worked only for twelve days and left.

43. During his employment, Zhan Qian told me he worked around 11 hours per day for a total 132 hours.

44. Zhan Qian was paid two thousand dollars (\$2,000) checks when he left.

45. I know Zhan Qian's payment because when he picked the checks I was with him, he told me that.

46. I know another colleague whose position was manager assistant and shuttle driver named Haiyang Wang. He worked at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 and Howard Johnson Hotel at 38-61 12th Street, Long Island City, NY 11101.
47. Haiyang Wang is originally from Tianjing, China. He is around 1.70 meters height, quite slim and nimble.
48. Haiyang Wang first worked at Howard Johnson Hotel from on and about September, 2014 to September 9, 2016, then had been dispatched to Wyndham Garden Hotel on September 10, 2016, and stayed in the branch up to April 2017, on and about May 2017, Haiyang been transferred back to the Howard Johnson Hotel and worked there upon to May 2018.
49. Haiyang Wang's working schedule ran from 9:00 to 18:00 for 9 hours a day, five days a week. Throughout his employment with the Defendants he worked around 45 hours a week.
50. I know Haiyang Wang's rate was \$16 or \$17 per hour.
51. I know this because the manager of Defendant, A Mei, told me that in the kitchen on March or April, 2017.
52. I know another employee who worked as manager assistant and shuttle driver. Her last name is Zhu. She worked at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 and Howard Johnson Hotel at 38-61 12th Street, Long Island City, NY 11101.
53. Zhu is around twenty years old. She told me she came from ShanXi Province, China, she is around 1.65 meters tall.
54. Zhu started working for the Defendants from on and about December, 2016 at Howard Johnson Hotel. From on or about January 2018 she was dispatched to the Wyndham Garden Hotel, she might be still working there.
55. Zhu's working schedule ran from 9:00 to 18:00 every day, five days a week. Throughout her employment with the Defendants she worked around 45 hours a week.
56. I know about her working schedule because we worked together every day during my employment.
- 57.
58. I know another employee who worked as house keeper at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 and Howard Johnson Hotel at 38-61 12th

Street, Long Island City, NY 11101. His last name is Zhou, we also referred him as “Xiao Zhou”.

59. Xiao Zhou is around thirty years old. He is around 1.60 meters tall, wearing a pair of glasses, originally from Shanxi Province, China.
60. Xiao Zhou started working at the Fresh Meadow branch for her first three months in May Flower, then transferred to Long Island branch on and about November, 2017,
61. Xiao Zhou’s working schedule ran from 8:00 to 17:00 every day, five days a week. Throughout his employment with the Defendants he worked around 56 hours a week.
62. Xiao Zhou’s commission was paid at a rate of twelve dollars (\$12.00) per hour, plus one dollar as tips per hour.
63. I know about her working schedule and commission because she came to the kitchen for water, and we had chats from time to time, and got know each other’s wages and working hours.
64. I know another person who worked as house keeper at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. We referred her as “Xixi”.
65. Xixi is originally from Shanghai, China, around 1.73 meters height.
66. Xixi’s working schedule ran from 9:00 to 18:00 for about nine hours per day, five days per week. Based on my best knowledge, she worked around 45 hours a week during her employment period.
67. I know Xixi’s rate was thirteen dollars (\$13) per hour.
68. I know this because we worked together every day and she told me personally sometime while we meet at worksite.
69. I know another person who worked as cleaner at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. His last name is Xue.
70. Xue told me that he is originally from Shanghai, China. He is around 1.73 meters tall, a bit over weight.
71. Xue’s working schedule ran from 9:00 to 18:00 for about nine hours per day, five days per week. Based on my best knowledge, he worked around 45 hours a week during his employment period.
72. I know Xue’s rate was twelve dollars (\$12) per hour.

73. I know this because we worked together every day and he told me personally sometime while we meet at worksite.
74. I know another person who worked as house keeper at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. His last name is Gao.
75. Gao is around 1.68 meters tall. He told me he came from HeBei Province, China.
76. Gao started working for Defendant from the January of 2018, then he was fired with other employees in August, 2018. He went back to work in September, 2018 and after one month he was fired again in October, 2018.
77. Gao's working schedule ran from 9:00 to 18:00 every day, five days per week. Throughout her employment with the Defendants he worked around 9 hours per day for a total 45 hours a week.
78. I know another person who worked as most time at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Chao Chen.
79. Chen Chao is around 1.80 meters tall. He is around thirty-five years old, wearing a pair of glasses.
80. Chen Chao worked more than nine hours per day, six days per week, during his employment with the Defendant he worked around 56 hours a week.
81. I know another person who worked as house keeper at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365, whose last name is Liang.
82. Liang is around 1.68 meters tall. He is around sixty years old. He told me he came from Shanghai, China.
83. Liang worked nine hours per day, six days per week. during his employment at the Defendant, he worked about 56 hours every week.
84. I know another employee of Defendant worked as house keeper at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. His last name is Wei, whom we also referred him as "Xiao Wei".
85. Xiao Wei is around 1.80 meters tall. He is around thirty years old. He told me he came from Shanghai, China.
86. I know and sincerely believe all the above mentioned co-workers are also not paid minimum wages or overtime wages because all of us were paid the same way and were given similar working schedules and pay rate.

87. I sincerely believe there are other employees who are also other employees paid less and are not paid for all the hours they worked for the Defendants.

88. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.

89. This has been translated into my native language of Chinese and I understand the contents.

Dated: 03/14/2019

Li You Xing
Xing, Liyou

Sworn to me this 14 day of March, 20 19

[Signature]
Notary Public

AARON B. SCHWEITZER
Notary Public, State of New York
No. 02SC6380865
Qualified in Nassau County
Commission Expires Sept. 17, 2022